

REMARKS/ARGUMENTS

Claims 1-4 and 7-43 are pending. Claims 1-43 stand rejected. Claim 5 is cancelled herein without prejudice. Claim 6 was previously cancelled without prejudice. Claims 2, 3, 8, 9, 11, 17-22, 24-30, 32, 35 and 39-43 are amended herein. No new matter has been added herein as a result of the amendments. Applicant respectfully requests further examination and reconsideration in view of the instant response.

Claim Amendments

Claim 1 is amended to reflect the following (Claims 17 and 25 include similarly amended features):

A network backplane interface for a local network, comprising:

- (a) a circuit board;
- (b) a plurality of sockets connected to the circuit board for receiving plug-in network devices;
- (c) unified power lines on the circuit board connected with ~~[[to]]~~ one or more sockets for powering a plug-in network device in each of the one or more ~~[[socket]]~~ sockets, the unified power lines comprising a single power line connected with all of the one or more sockets;
- (d) unified communication lines on the circuit board ~~to one or more of the plurality of sockets~~ for communication with a plug-in network when placed in each socket, the unified communication lines comprising a single communication line connected with all of the plurality of sockets;
- (e) a housing for the circuit board, ~~the unified power lines and the unified~~ communication lines, including openings for exposing ~~[[said]]~~ the plurality of sockets;
- (f) a network interface for communication between the plug-in network and an external network, and
- (g) a configuration circuit on the circuit board, wherein the configuration circuit is operable to receive the configuration associated with a plug-in network device from the plug-in network device and is operable to communicate with a plug-in network device in a socket to identify the plug-in network device and configure the plug-in network device, and the configuration circuit includes comprising:

[[an]] a instruction memory operable to store configuration information for a plurality of predetermined plug-in network device types and to store configuration instructions for configuring one or more different plug-in network devices to perform one or more corresponding desired functions[[.]] ; and

a configuration processor operable to execute the configuration instructions to communicate with a plug-in network device in a socket, and configure the plug-in network device based on the configuration information,

wherein the configuration circuit includes a configuration memory operable to store configuration information for a plurality of predetermined plug-in device types, and the configuration circuit is operable to receive the configuration associated with a device from the device, wherein executing the configuration instructions configures the device based on the configuration information.

Support for the amendment, “unified power lines on the circuit board connected with [[to]] one or more sockets for powering a plug-in network device in each of the one or more [[socket]] sockets, the unified power lines comprising a single power line connected with all of the one or more sockets”, and, “unified communication lines on the circuit board ~~to one or more of the plurality of sockets~~ for communication with a plug-in network when placed in each socket, the unified communication lines comprising a single communication line connected with all of the plurality of sockets” can be found at least on page 2, lines 1-4 and page 4, lines 9-14 of

Applicant’s specification, as well as in Applicant’s Figure 3.

Support for the amendment, “receive the configuration associated with a plug-in network device from the plug-in network device and is operable to”, “store configuration information for a plurality of predetermined plug-in network device types and to” and “based on the configuration information” can be found in the prior Claim 1 as well as in the prior Claims 5 and 6.

Additionally, Claims 1-3, 8, 9, 11, 17-22, 24-30, 32, 35 and 39-43 are amended herein to correct antecedent issues.

SPECIFICATION OBJECTIONSDrawing Objections

The Office Action mailed November 26, 2008 (hereinafter, “instant Office Action”) states that “[a] configuration circuit to include an instruction memory, a processor, and a configuration memory is not disclosed [*sic*] in the specification. ... Appropriate correction is required” (instant Office Action, page 4, sections 5-8). Applicant respectfully submit, as will be described herein in the section titled, “Rejection under 35 U.S.C. §112, first paragraph”, Claims 1, 18 and 26 are amended herein to include language appearing in portions of the specification and the Figures.

For example, Applicant’s Figure 3 describes a “configuration processor” 58 and “memory” 60. Applicant respectfully submits that Applicant’s Claims now reflect this wording. Therefore, Applicant respectfully submits that the Drawings need not be replaced and the instant Objection to the drawings should be withdrawn.

CLAIM REJECTIONS

Rejection under 35 U.S.C. §112, first paragraph

Claims 1-5 and 7-43

Claims 1-5 and 7-43 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The instant Office Action states that “[t]he applicant’s specification doesn’t disclose a configuration circuit to include an instruction memory, a processor, and a configuration memory” (instant Office Action, page 4, section 2).

Applicant respectfully points out that only the pre-amended Claim 1, 18 and 26 had a reference to “an instruction memory, a processor, and a configuration memory”. Independent Claims 17 and 25 did not recite the terms, “instruction memory” and “processor”. Applicant respectfully points out that Claim 1 is amended to replace “an instruction memory” with “a memory” and “a processor” with “a configuration processor”. Furthermore, the wording, “configuration memory” is deleted. Applicant respectfully notes that the wording, “a memory”, is supported in Applicant’s specification at least on page 7, lines 4-10 and Applicant’s Figure 3, and “a configuration processor” on page 7, lines 4-10 and Figure 3.

Therefore, Applicant respectfully submits that Claims 1, 18 and 26 traverse the 35 U.S.C. §112, first paragraph rejection and are in condition for allowance. Moreover, Applicant respectfully submits that Claims 2-4, 7-17 and 35-43 depending on Claim 1, Claims 18-24

depending on Claim 17 and Claims 26-34 depending on Claim 25 are in condition for allowance as being dependent on an allowable base Claim.

Rejection under 35 U.S.C. §103(a)

Claims 1-4, 7-10, 12, 15-23, 25-31, 33 and 34

The instant Office Action rejected Claims 1-4, 7-10, 12, 15-23, 25-31, 33 and 34 under 35 U.S.C. §103(a) as being unpatentable over Soetemans et al. (U.S. Patent Publication No. 2003/0058618) (hereinafter, “Soetemans”) in view of Gallagher et al. (U.S. Patent Application 6,742,068) (hereinafter, “Gallagher”). The rejections and comments set forth in the instant Office Action have been carefully considered by the Applicant. Applicant respectfully submits that Claims 1-4, 7-10, 12, 15-23, 25-31, 33 and 34 are patentable over Soetemans in view of Gallagher for at least the following rationale.

Applicant respectfully submits that the combination of Soetemans and Gallagher does not satisfy the requirements of a *prima facie* case of obviousness because the features of Claims 1-4, 7-10, 12, 15-23, 25-31, 33 and 34 would not have been obvious over the combination of Soetemans and Gallagher as a whole.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior

art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicant notes that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations. However, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Additionally, MPEP §2141.02 VI provides, “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis added; MPEP 2141.02 VI, *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 [Fed. Cir. 1983], *cert. denied*, 469 U.S. 851 [1984]).

Applicant respectfully reiterates that embodiments of Applicant’s claimed invention as a whole would not have been obvious, and therefore the instant Office Action does not satisfy the requirements for a rejection of Claims 1-4, 7-10, 12, 15-23, 25-31, 33 and 34 under 35 U.S.C. §103(a). In particular, Applicant respectfully submits that the instant Office Action fails to explain the differences between Soetemans, Gallagher, and Applicant’s claimed features, in which portions of Soetemans teach away from embodiments of Applicant’s claimed features. Moreover, Applicant respectfully submits that the instant Office Action fails to explain why these differences would have been obvious to one of ordinary skill in the art.

As presented above, Applicant respectfully submits that Soetemans does not suggest:

A network backplane interface for a local network, comprising:

- (a) a circuit board;
- (b) a plurality of sockets connected to the circuit board for receiving plug-in network devices;
- (c) unified power lines on the circuit board connected with ~~[[to]]~~ one or more sockets for powering a plug-in network device in each of the one or more ~~[[socket]]~~ sockets, the unified power lines comprising a single power line connected with all of the one or more sockets;
- (d) unified communication lines on the circuit board ~~to one or more of the plurality of sockets~~ for communication with a plug-in network when placed in each socket, the unified communication lines comprising a single communication line connected with all of the plurality of sockets;
- (e) a housing for the circuit board, the unified power lines and the unified communication lines, including openings for exposing the plurality of sockets;
- (f) a network interface for communication between the plug-in network and an external network, and...

(emphasis added) as is recited in Applicant's Claim 1. Furthermore, Applicant respectfully submits that the combination of Soetemans and Gallagher as a whole fails to suggest the features of Applicant's Claim 1 because there is no motivation or suggestion within Gallagher to modify Soetemans to arrive at embodiments of Applicant's invention.

Applicant understands Soetemans to teach a "method and apparatus for providing a common support services infrastructure for a network element" (Soetemans, Title) in which common support services, from amongst many support services, are grouped together via cables and plugs. Soetemans specifically provides for grouping common support services so that an entire shelf unit does not have to be redesigned when attempting to enhance and/or add a new data path functionality (Soetemans, Summary of the Invention, paragraph [0006]).

For example, Soetemans discloses two of the same type of connector positioned separately and within a network element shelf 100 to connect each shelf controller with subshelves. Specifically, Soetemans fails to suggest, “unified power lines on the circuit board connected with one or more sockets for powering a plug-in network device in each of the one or more sockets, the unified power lines comprising a single power line connected with all of the one or more sockets” and/or “unified communication lines on the circuit board for communication with a plug-in network when placed in each socket, the unified communication lines comprising a single communication line connected with all of the plurality of sockets” as is recited in Applicant’s Claim 1.

Furthermore, Applicant respectfully submits that Soetemans teaches away from features of Applicant’s claim 1. For example, while Soetemans focuses upon a system that embodies multiple connectors in order to group common support services together into independent groupings (Soetemans, paragraph [0039]), Applicant’s Claim 1 teaches “unified communication lines on the circuit board for communication with a plug-in network when placed in each socket, the unified communication lines comprising a single communication line connected with all of the plurality of sockets” to enable the simple installation and configuration of plug-in network devices (Applicant’s specification, page 3, lines 1-4).

The following is just one example of Soetemans’ connector use:

Each shelf controller 120a-b is provided with a separate control services connection to each subshelf position of subshelf bay 125. These connections are separate from the power supply connections provided by the power supply system of power distribution panel 115 (which, in one embodiment, comprise separate three-wire connections.).

(Soetemans, paragraph [0030] and Figure 3.)

Moreover, Applicant respectfully submits that Gallagher fails to cure the deficiencies of Soetemans. Applicant understands Gallagher to teach a “data server with hot replaceable processing unit modules”. However, Applicant respectfully asserts that Gallagher fails to teach “unified power lines on the circuit board connected with one or more sockets for powering a plug-in network device in each of the one or more sockets, the unified power lines comprising a single power line connected with all of the one or more sockets” and/or “unified communication lines on the circuit board for communication with a plug-in network when placed in each socket, the unified communication lines comprising a single communication line connected with all of the plurality of sockets” as is recited in Applicant’s Claim 1. Furthermore, Applicant respectfully submits that Gallagher fails to provide a motivation to modify Soetemans to arrive at the features of Applicant’s Claim 1.

Additionally, Applicant respectfully submits that the instant Office Action does not explain why the differences between Soetemans, Gallagher, and Applicant’s claimed features would have been obvious to one of ordinary skill in the art.

Thus, in view of the combination of Soetemans and Gallagher not satisfying the requirements of a *prima facie* case of obviousness, Applicant respectfully asserts that Claims 17 and 25, that include similar features to that of Claim 1, are also patentable. Moreover, Applicant respectfully submits that Claims 2-4, 7-16 and 35-43 depending upon Claim 1, Claims 18-24

depending upon Claim 17, and Claims 26-34 depending upon Claim 25 are patentable as being dependant upon an allowable base Claim.

Claims 13 and 14

Claims 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Soetemans in view of Gallagher, and further in view of Trans (U.S. Patent Publication No. 2002/0181633). The rejections and comments set forth in the instant Office Action have been carefully considered by the Applicant. Applicant respectfully submits that Claims 13 and 14 are patentable over Soetemans in view of Gallagher, and in further view of Trans for at least the following rationale.

Applicant respectfully submits that the combination of Soetemans, Gallagher and Trans does not satisfy the requirements of a *prima facie* case of obviousness because features of Applicant's Claim 1 as a whole are not obvious via the combination of Soetemans, Gallagher and Trans.

As presented above, Applicant respectfully submits that Soetemans teaches away from Applicant's Claim 1 and Gallagher fails to cure the deficiencies of Soetemans. Furthermore, Applicant respectfully submits that the combination of Soetemans, Gallagher, and Trans fails to suggest the features of Applicant's Claim 1 as a whole because Trans does not overcome the shortcomings of Soetemans and Gallagher.

Applicants understand Trans to disclose “a means and method for a synchronous network communications system” (Trans, Title). Specifically, Trans does not suggest, “unified power lines on the circuit board connected with one or more sockets for powering a plug-in network device in each of the one or more sockets, the unified power lines comprising a single power line connected with all of the one or more sockets” and/or “unified communication lines on the circuit board for communication with a plug-in network when placed in each socket, the unified communication lines comprising a single communication line connected with all of the plurality of sockets” as is recited in Applicant’s Claim 1.

Additionally, Applicant respectfully submits that the instant Office Action does not explain why the differences described herein between Soetemans, Gallagher, Trans and the features of Applicant’s Claim 1 would have been obvious to one of ordinary skill in the art. Moreover, Applicant respectfully asserts that Trans fails to provide a motivation to modify Soetemans and Gallagher to arrive at the features of Applicant’s Claim 1.

Thus, in view of the combination of Soetemans, Gallagher and Trans not satisfying the requirements of a *prima facie* case of obviousness, Applicant respectfully asserts that Claims 13 and 14 depending on Claim 1 are allowable as being dependent upon an allowable base claim.

Claims 11, 24, 32, and 35-43

Claims 11, 24, 32, and 35-43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Soetemans in view of Gallagher, and further in view of Kim et al. (U.S. Patent Application No. 6,473,788) (hereinafter, “Kim”). The rejections and comments set forth in the

instant Office Action have been carefully considered by the Applicant. Applicant respectfully submits that Claims 11, 24, 32, and 35-43 are patentable over Soetemans in view of Gallagher, and in further view of Kim for at least the following rationale.

Applicant respectfully submits that the combination of Soetemans, Gallagher and Kim does not satisfy the requirements of a *prima facie* case of obviousness because features of Applicant's Claim 1 as a whole are not obvious via the combination of Soetemans, Gallagher and Kim.

As presented above, Applicant respectfully submits that Soetemans teaches away from Applicant's Claim 1 and Gallagher fails to cure the deficiencies of Soetemans. Furthermore, Applicant respectfully submits that the combination of Soetemans, Gallagher, and Kim fails to suggest the features of Applicant's Claim 1 as a whole because Kim does not overcome the shortcomings of Soetemans and Gallagher.

Applicants understand Kim to disclose a "remote maintenance and servicing of a network peripheral device over the world wide web" (Kim, Title). Specifically, Kim does not suggest, "unified power lines on the circuit board connected with one or more sockets for powering a plug-in network device in each of the one or more sockets, the unified power lines comprising a single power line connected with all of the one or more sockets" and/or "unified communication lines on the circuit board for communication with a plug-in network when placed in each socket, the unified communication lines comprising a single communication line connected with all of the plurality of sockets" as is recited in Applicant's Claim 1.

Additionally, Applicant respectfully submits that the instant Office Action does not explain why the differences described herein between Soetemans, Gallagher, Kim and the features of Applicant's Claim 1 would have been obvious to one of ordinary skill in the art. Moreover, Applicant respectfully asserts that Kim fails to provide a motivation to modify Soetemans and Gallagher to arrive at the features of Applicant's Claim 1.

Thus, in view of the combination of Soetemans, Gallagher and Kim not satisfying the requirements of a *prima facie* case of obviousness, Applicant respectfully asserts that Claims 17 and 24, including features similar to Applicant's Claim 1, are allowable. Moreover, Applicant respectfully asserts that Claims 11 and 35-43 depending on Claim 1, Claim 24 depending on Claim 17 and Claim 32 depending on Claim 25 are allowable as being dependent upon an allowable base claim.

CONCLUSION

In light of the above-listed remarks, the Applicant respectfully requests allowance of the claims 1-4 and 7-43.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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